

REMARKS

Claims 50, 52, and 57-58 have been cancelled. With this response, claims 53-56 are now pending.

Applicant authorizes the Commissioner to deduct any fees relating to this document required under 37 C.F.R. §§ 1.16 to 1.21 from Molecular Probes, Inc. Deposit Account No. 13-3900/QDC.0006B.01/CJB.

I. Objection to the specification

The specification is objected to, as the continuation information must be updated to indicate issue of the parent '510 application as U.S. Patent No. 6,653,080. The specification has been amended as suggested by the Examiner.

II. Rejection under doctrine of statutory-type double patenting

Claims 50 and 52 were rejected under the doctrine of statutory-type double patenting over claims 50 and 52 of U.S. Patent No. 6,653,080. Claims 50 and 52 have been canceled with this response.

III. Rejection under doctrine of nonstatutory-type double patenting

Claims 50 and 52-58 were rejected under the judicially created doctrine of obvious-type double patenting over claims 1-37 of U.S. Patent No. 6,500,622.

Enclosed is a terminal disclaimer over co-owned U.S. Patent No. 6,500,622. Applicant respectfully requests that this rejection be withdrawn.

Claims 57 and 58 were rejected under the judicially created doctrine of obvious-type double patenting over claim 52 of U.S. Patent No. 6,653,080.

Claims 57 and 58 have been canceled in this response in order to expedite allowance of claims 53-56, rendering this rejection moot.

IV. Rejection under 35 U.S.C. § 102

Claim 57 was rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Pegg et al. (U.S. Patent No. 5,663,318).

Claim 57 has been canceled in this response in order to expedite allowance of claims 53-56, rendering this rejection moot.

V. Rejection under 35 U.S.C. § 103

Claim 58 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Pegg et al. in view of Rava et al. (U.S. Patent No. 5,545,531).

Claim 58 has been canceled in this response in order to expedite allowance of claims 53-56, rendering this rejection moot.

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In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding objections and rejections are respectfully requested. All amendments are made in a good faith effort to advance the prosecution on the merits. Applicant respectfully submits that no amendments have been made to the pending claims for the purpose of overcoming any prior art rejections that would restrict the literal scope of the claims or equivalents thereof. Applicant reserves the right to subsequently take up prosecution of the claims originally filed in this application in continuation, continuation-in-part, and/or divisional applications.

The Examiner is encouraged to call the undersigned should any further action be required for allowance.

Respectfully submitted,



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